

1 MICHAEL D. TORPEY (SBN 79424)
JAMES N. KRAMER (SBN 154709)
2 RICHARD GALLAGHER (SBN 208714)
JAMES E. THOMPSON (SBN 240979)
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
4 405 Howard Street
San Francisco, CA 94105-2669
5 Telephone: 415-773-5700
Facsimile: 415-773-5759

6 *Attorneys for Nominal Defendant NVIDIA Corporation*

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11
12 In re NVIDIA CORP. DERIVATIVE
LITIGATION

Master File No. C-06-06110-SBA (JCS)

13 STIPULATION AND ORDER
REGARDING BRIEFING SCHEDULE

14 This Document Relates To:

15 ALL ACTIONS.
16
17
18
19
20
21
22
23
24
25
26
27
28

1 This Stipulation is entered into by and among co-lead plaintiffs, the Nominal Defendant
2 NVIDIA Corp. ("NVIDIA"), and the individuals named as defendants in this action, through their
3 attorneys of record.

4 WHEREAS, on May 22, 2008 NVIDIA and plaintiffs in all three derivative options
5 actions (Delaware Chancery, Santa Clara Superior, and Northern District of California) engaged
6 in a global mediation session before Judge Infante;

7 WHEREAS, at the mediation, the parties made significant progress towards resolution of
8 the underlying derivative matters, and continue to engage in further settlement discussions;

9 WHEREAS, the deadlines set forth in the parties' prior Stipulation and Court Order
10 required plaintiffs to re-submit to the Court their Second Amended Complaint on or before
11 August 18, 2008, defendants to file their motions to dismiss on or before September 12, 2008,
12 plaintiffs to file their opposition briefs on or before October 8, 2008, and defendants to file their
13 reply briefs on or before October 21, 2008;

14 WHEREAS, in light of the continuing settlement discussions, and in the interests of
15 conserving party and Court resources, the parties mutually agree and seek the Court's approval to
16 postpone any further activity in this case until September 8, 2008;

17 WHEREFORE, IT IS STIPULATED AND AGREED that:

- 18 1. If the case does not settle on or before September 8, 2008, plaintiffs will re-submit
19 to the Court their Second Amended Complaint by September 8, 2008.
- 20 2. The parties will meet and confer regarding the Court's April 23, 2008 order
21 denying plaintiffs' Administrative Motion to Seal Portions of the Second
22 Amended Complaint and, if necessary, plaintiffs will file a renewed administrative
23 motion on or before September 8, 2008.
- 24 3. Defendants will file their motions to dismiss on or before October 6, 2008.
- 25 4. Plaintiffs will file their opposition briefs on or before November 3, 2008.
- 26 5. Defendants will file their reply briefs on or before November 26, 2008.
- 27 6. The parties will re-notice the hearing on defendants' motion to dismiss for
28 December 9, 2008.

1 DATED: August 15, 2008

Respectfully Submitted,

2 ORRICK, HERRINGTON & SUTCLIFFE LLP
3 MICHAEL D. TORPEY
4 JAMES N. KRAMER
5 RICHARD GALLAGHER
6 JAMES THOMPSON

7 s/ James N. Kramer
8 JAMES N. KRAMER

9 The Orrick Building
10 405 Howard Street
11 San Francisco, CA 94105
12 Telephone: 415/773-5700
13 415/773-5759 (fax)

14 Attorneys for Nominal Defendant NVIDIA
15 Corporation

1 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*
2 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*
3 *with General Order 45, X.B., I hereby attest that Travis E. Downs III has concurred in this filing.*

4 DATED: August 15, 2008

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
TRAVIS E. DOWNS III
BENNY C. GOODMAN III
MARY LYNNE CALKINS
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

9
10 s/ Travis E. Downs III
TRAVIS E. DOWNS III

11
12 COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
13 SHAWN A. WILLIAMS
AELISH M. BAIG
14 100 Pine Street, Suite 2600
San Francisco, CA 94111
15 Telephone: 415/288-4545
415/288-4534 (fax)

16 COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
17 THOMAS G. WILHELM
18 9601 Wilshire Blvd., Suite 510
Los Angeles, CA 90210
19 Telephone: 310/859-3100
310/278-2148 (fax)

20
21 BARRACK, RODOS & BACINE
DANIEL BACINE
22 JEFFREY W. GOLAN
3300 Two Commerce Square
23 2001 Market Street
Philadelphia, PA 19103
24 Telephone: 215/963-0600
215/963-0838 (fax)

25
26 Attorneys for Co-Lead Plaintiffs
27
28

1 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*
2 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*
with General Order 45, X.B., I hereby attest that Stephanie Byerly has concurred in this filing.

3 DATED: August 15, 2008

HOWREY LLP
LEIGH A. KIRMSSE
STEPHANIE BYERLY

6 s/ Stephanie Byerly
STEPHANIE BYERLY

525 Market Street, Suite 3600
San Francisco, CA 94105-2708
Telephone: 415/848-4966
415/848-4999 (fax)

Attorneys for Defendant Christine B. Hoberg

11
12 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*
13 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*
with General Order 45, X.B., I hereby attest that Kevin Muck has concurred in this filing.

14 Dated: August 15, 2008

FENWICK & WEST
KEVIN P. MUCK
KALAMA LUI-KWAN
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: 415-875-2300
Facsimile: 415-281-1350

19
20 By: s/ Kevin P. Muck

21 Attorneys for Chris A. Malachowsky, Jeffrey D.
22 Fisher, Mary M. Dotz, and Daniel F. Vivoli

1 *I, James N. Kramer, am the ECF user whose ID and password are being used to file this*
2 *Stipulation and [Proposed] Order Regarding Hearing Date for Plaintiffs' Motion. In compliance*
 with General Order 45, X.B., I hereby attest that Steven Kaufhold has concurred in this filing.

3 Dated: August 15, 2008

AKIN, GUMP, STRAUSS, HAUER & FELD LLP
STEVEN KAUFHOLD
580 California Street, Suite 1500
San Francisco, CA 94104
Telephone: 415-765-9500
Facsimile: 415-765-9501

7
8 By: /s/ Steven Kaufhold

9 Attorneys for Di Ma
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

* * *

ORDER

Based on the stipulation of the signed parties, and good cause appearing, IT IS HEREBY ORDERED that:

1. If the case does not settle on or before September 8, 2008, plaintiffs will re-submit to the Court their Second Amended Complaint by September 8, 2008.
2. The parties will meet and confer regarding the Court's April 23, 2008 order denying plaintiffs' Administrative Motion to Seal Portions of the Second Amended Complaint and, if necessary, plaintiffs will file a renewed administrative motion on or before September 8, 2008.
3. Defendants will file their motions to dismiss on or before October 6, 2008.
4. Plaintiffs will file their opposition briefs on or before November 3, 2008.
5. Defendants will file their reply briefs on or before November 26, 2008.
6. The hearing on defendants' motion to dismiss will be re-noticed for December 9, 2008.

IT IS SO ORDERED.

DATED: 9/2/08



THE HONORABLE
SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE